WP(C) 4511/2001
BEFORE
HON'BLE THE CHIEF JUSTICE MR MADAN B. LOKUR
HON'BLE MR JUSTICE U. B. SAHA

Heard Mr SC Biswas, learned counsel for the petitioner and Mr M Chanda, learned counsel for the respondents.

The petitioner is aggrieved by an order dated 23-2-2001 passed by the Central Administrative Tribunal, Guwahati Bench in OA No.68/2000 (T).

The respondent was appointed as a Group-D employee by an order dated 1-5-88 and placed on probation for a period of two years.

It appears that there was some agitation as a result of which the petitioner decided to terminate the services of the respondent and they did so by an order dated 14-9-88.

The termination order dated 14-9-88 reads as follows :-

> As per instructions of the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar Region and the Chairman, Vidyalaya Management Committee, Kendriya Vidyalaya, Namrup services of Shri K.K. Singh Lab. Attendant are hereby terminated with immediate effect on the ground that his appointment was irregular.

A perusal of the termination order clearly shows that the termination has been done at the behest of the Assistant Commissioner, Kendriya Vidyalaya Sangathan and the Chairman, Vidyalaya Management Committee, Kendriya Vidyalaya.

The instructions given by the Assistant Commissioner have been filed alongwith the paper book. These instructions are dated 7-9-88 and read as follows :-

> With reference to your letter No.F.13/KVN/88-89/184 dated 22.7.88, No.SIL datted 9.8.88 from Dr. N.N. Mishra, the then Principal, KV Namrup and No.F.II-III/IE-45/Chairman/KV-01/2609 dated 18.8.88 from the Chairman, VMC.kv, Namrup it appears that the appointment of Sh. N.N. Singh as Lab. Attendant was not made as per KVS norms and rules and was also in contravention of KVS Hqrs. Circular No.F.2-16/86-KVS(V&P) dated 20.3.87. Hence, you are advised to terminate the services of Sh. Singh either by giving him one month's notice or forthwith by making payment of a sum equivalent to the pay and allowances for the period of notice - in case his further retention for the stipulated period of notice is likely to cause law and order problem for the Vidyalaya.
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> You are, further, advised to fill up the vacancy as per the Sangathan (Head Quarter) Circular No.K-2-16/76-KVS(V&P) dated 20.5.87 (copy enclosed) under intimation to this office.

The instructions of the Asstt Commissioner merely states that the appointment of the respondent was not in accordance with the norms and rules and also in contravention of the KVS (Headquarter) Circular dated 20-5-87. What is the nature of the irregularity has not been explained either in the instructions dated 7-9-88 or anywhere else. Insofar as the instructions given by the Chairman, Vidyalaya Management Committee is concerned they have been placed on record, as informed by learned counsel for the petitioner.

The second reason given is that the retention of the respondent would cause a law and order problem. It appears, therefore, that the termination of the services of the respondent was completely arbitrary and at the behest of some agitating persons. The petitioner succumbed to the third party pressure and, therefore, terminated the services of the respondent.

In our opinion, there is no error in the view taken by the Tribunal that the termination of the services of the respondent is arbitrary. The alleged irregularity in the appointment of the respondent has not been disclosed in any document filed before us or even the written statement filed by the petitioner before the learned Tribunal. Therefore, the conclusion that the Tribunal arrived at, namely, that the termination was at the behest of a third party, appears to be correct.

Under the circumstances we dismiss the writ petition alongwith all pending Misc Cases. The respondent will be entitled to costs of Rs.5000/- which will be paid by the petitioner within a period of six weeks from today.